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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,018	04/23/2001	Ranjit Sahota	007412.01059	5829
71867 7590 02/01/2011 BANNER & WITCOFF, LTD ATTORNEYS FOR CLIENT NUMBER 007412 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			EXAMINER CHOWDHURY, SUMAIYA A	
			ART UNIT 2421	PAPER NUMBER
			MAIL DATE 02/01/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

09/841,018

Applicant(s)

SAHOTA ET AL.

Examiner

SUMAIYA A. CHOWDHURY

Art Unit

2421

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 and 29-31 is/are pending in the application.
- 4a) Of the above claim(s) 1-17, 29-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GA-06)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of the election/restriction in the reply filed on 12/9/10 is acknowledged. The traversal is on the ground(s) that there is no undue burden for the examiner to conduct a search of the claims corresponding to Groups I-IV. This is not found persuasive because the four groups of claims clearly fall under separate class/subclasses that require substantial different fields of search. It has been shown that the claim groups are subcombinations disclosed as usable together in a single combination. They do not overlap in scope and are not obvious variants, and that at least one subcombination is separately usable. See ground of restriction made in the office action of 11/9/10.
2. The requirement is still deemed proper and is therefore made FINAL.
3. Applicants have made an election to prosecute the invention of Group III, including claims 18-25. Affirmation of this election must be made by applicant in replying to this Office Action. Claims 1-17, and 29-31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention.
4. Claims 18-25 are presented for examination.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 18-19, 21-23, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Freeman (7079176).

Regarding claim 18, Freeman discloses "a non-transitory machine-readable storage medium providing instructions, which if executed by a processor, causes the processor to perform an operation comprising:

receiving a video transmission (col. 3, lines 22-35, col. 7, lines 52-67);

receiving a first interactive channel bug (first graphic) associated with a first content provider and a second interactive channel bug (second graphic) associated with a second content provider (col. 7, lines 52-67);

morphing the first and the second interactive channel bugs into the video transmission (col. 7, lines 52-67), wherein the first and second interactive channel bugs are used to facilitate interactivity without the need for tuning to a dedicated channel associated with interactive services (col. 14, line 62-col. 15, line 14);

transmitting the video transmission with the first and second interactive channel bugs to a display system and wherein the first interactive channel bug is replaced by the second interactive channel bug during a change of displaying content from the first content provider to content from the second content provider (At a trigger point, when

program content is altered and switched from one content to another, a channel bug for the first segment is replaced with a channel bug for the second segment. Col. 15, lines 21-41);

As for claim 19, Freeman further discloses "wherein the interactive channel bug is a graphical object" (col. 7, lines 52-67).

As for claim 21, Freeman discloses selectively causing the first interactive channel bug to appear (col. 15, lines 21-41).

As for claim 22, Freeman discloses launching a functionality determined by the video transmission, the functionality capable of changing over time (col. 15, lines 21-41).

As for claim 23, Freeman discloses indicating an availability of new interactive services by changing a form of the first interactive channel bug (replacement of first graphic by a second graphic; col. 15, lines 21-41).

As for claim 24, Freeman discloses indicating an availability of interactive services associated with the video transmission by the changed form of the first interactive channel bug (col. 15, lines 21-41).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 20 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Freeman in view of Knudson et al. (U.S. Patent No. 6,536,041 B1).

As for claim 20, Freeman fails to disclose providing the graphical object as an interactive video transmission channel branding logo.

In an analogous art, Knudson discloses providing the graphical object as an interactive video transmission channel branding logo (Fig. 1/item for a branding logo, col. 14/line 14, since the icon is a television channel icon; or Fig. 25/item 310 for a sponsor logo).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Freeman's invention to include the abovementioned limitation, as taught by Knudson, for the advantage of enhancing the viewer's interest in viewing television.

As for claim 25, Freeman fails to disclose indicating an availability of the interactive services associated with a purchase of products or services by the changed form of the first interactive channel bug.

In an analogous art, Knudson discloses indicating an availability of the interactive services associated with a purchase of products or services by the changed form of the first interactive channel bug (Fig. 24, and col. 18/line 61 to col. 19/line 27 for icons can be interactively access to other links and information).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Freeman's invention to include the abovementioned limitation, as taught by Knudson, for the advantage of enabling the user to watch television programming with greater interest and involvement.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUMAIYA A. CHOWDHURY whose telephone number is (571)272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2421

Application/Control Number: 09/841,018

Page 8

Art Unit: 2421

/Sumaiya A Chowdhury/

Examiner, Art Unit 2421